

03-22-0

CWS 1764/116

Atty. Docket No. JCI01 P-1010

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as Express Mail, using label No. EL545347893US, addressed to Assistant Commissioner for Patents, Washington D.C. 20231, on the date indicated below.

March 21, 2002

Date

Deborah A. Witvoet

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 28 2002

TC 1700

Art Unit : 1764
Examiner : Jerry D. Johnson
Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Filing Date : May 7, 1998
Confirmation No. : 1982
For : FIBER-REINFORCED VEHICLE INTERIOR TRIM AND METHOD OF MANUFACTURE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is a Response to the Office Action dated November 21, 2001. The items checked below are appropriate:

X Applicants hereby petition for a one-month extension of time to respond to the above Office Action. The fee of \$110.00 for the Extension is enclosed.

Any fee for additional claims has been calculated as shown below:

CLAIMS AS AMENDED

	Col. 1		Col. 2	Col. 3	Small Entity		Other Than A Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total Claims	* 9	Minus	** 20	=	x \$9	\$	x \$ 18	\$ 0
Independent Claims	* 2	Minus	*** 3	=	x \$42	\$	x \$ 84	\$ 0
First Presentation of Multiple Dependent Claims \$140						\$	x \$280	\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$		\$ 0

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___ Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established by a verified statement previously submitted or is enclosed.

___ No additional fee is required.

___ A fee of _____ to cover the cost of the additional claims added by this response is enclosed.

X A fee of \$110.00 to cover Petition for Extension of Time is enclosed.

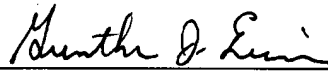
X A check in the amount of \$110.00 is enclosed to cover the above fees.

X Please charge any additional fees or credit overpayment to Deposit Account 16 2463.
A duplicate copy of this sheet is attached.

PRICE, HENEVELD, COOPER,
DEWITT & LITTON

March 21, 2002

Date



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Handwritten notes: #27, 3/28/02, and initials.

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Dear Sir:

RESPONSE

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In response to the Office Action mailed November 21, 2001, Applicants request further consideration in view of the following remarks.

Status of Application:

Applicants acknowledge that the Continued Prosecution application filed on August 21, 2001 is properly being treated as a request for continued examination under 37 C.F.R. §1.114.

Rejection Under 35 U.S.C. §102(b):

Claims 1-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rohrlach et al. (U.S. Patent No. 5,082,609).

Applicants acknowledge that Rohrlach et al. teach a trim panel having a polyurethane foam disposed between an upholstery skin material and a fiber-reinforced substrate. However, Rohrlach et al. do not teach or suggest the claimed requirement that a "porous substrate is held to a backside of the trim piece that is opposite of the upholstery skin material." In each of the disclosed embodiments, the substrate is a non-porous composite comprising a continuous filament glass reinforcement which is penetrated by a cross-linked rigid polyurethane. Although Rohrlach et al. teach a panel that is formed using a sheet of reinforcing fibers that can for example be a continuous filament glass fiber, and which may initially be porous, Rohrlach et al. do not teach or suggest a finished integrated interior trim member having a molded film material sandwiched between a porous substrate and an upholstery skin material.

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The process described by Rohrlach et al. requires dispensing liquid ingredients of a rigid foam polyurethane over the reinforcing fibers, closing the mold, and removing the product after setting. The resulting substrate (as disclosed at column 2, lines 47-50) has a continuous filament glass reinforcement which is penetrated by a cross-linked rigid polyurethane. At column 3, lines 10-13, it is stated that the "fibre glass 24 functions as a reinforcement, and this is impregnated in stage 4 by a further two pot mix of moldable polyurethane."

Accordingly, the resulting substrate 11 of the interior trim member formed by the process described by Rohrlach et al. is not a porous substrate. Stated somewhat differently, a sheet of reinforcing glass fibers entirely embedded within a rigid polyurethane material does meet the claim requirements for a porous substrate that "is held to a backside of the trim piece that is opposite of the upholstery skin material."

Further, it is respectfully submitted that it would be unreasonable to take the position that the reinforcing glass fibrous material described by Rohrlach et al. meets the requirements of both (a) a porous substrate held to a backside of the trim piece that is opposite of the upholstery skin material, and (b) a porous substrate bonded directly to a molded foam material. In fact, the trim member described by Rohrlach et al. does not meet either of these requirements. Rather than being held to the backside of the trim piece, the glass reinforcing fibers are completely embedded within a rigid polyurethane layer, and rather than having a molded foam material extending between the upholstery skin material and a porous substrate, Rohrlach et al. teach a molded foam material that extends between an upholstery skin material and a non-porous substrate comprising a rigid polyurethane having embedded glass fiber reinforcement. It is only by eliminating the rigid polyurethane material from the substrate of Rohrlach et al. that the claimed invention can be achieved. Rohrlach et al. do not provide any teaching, suggestion or motivation for eliminating application of a rigid polyurethane material at stage 4 of the disclosed process.

In view of the above remarks, it is respectfully submitted that Rohrlach et al. does not teach or suggest the claimed interior trim member having a molded foam material extending between an upholstery skin material and a porous substrate, wherein the molded foam material bonds the skin material to the porous substrate and wherein the porous substrate is held to a

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backside of the trim piece that is opposite of the upholstery skin material. Accordingly, withdrawal of the objection would be most appropriate.

Rejection Under 35 U.S.C. §103

Claims 1-4 and 6-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi et al. The Examiner has admitted that "Takeuchi et al. do not disclose a trim piece wherein the porous sheet material 9 is 'substantially coextensive' with the upholstery skin material," but has nevertheless taken the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to "form a convex shaped trim piece wherein the porous sheet was substantially coextensive with the face material in order to prevent fibrous material from pulling away from the trim piece as taught by Takeuchi et al."

We disagree with this rejection because Takeuchi et al. do not disclose a trim piece having a continuous convex curvature, and do not provide any suggestion as to whether the disclosed techniques and materials are applicable for use in fabricating a fiber-reinforced trim piece having a continuous convex curvature. To the contrary, Takeuchi et al. only disclose methods of making an automotive interior trim panel having a convex section, not a trim panel having continuous convex curvature. There is not any suggestion in the Takeuchi et al. patent that the process is suitable for fabricating a continuously convex interior trim panel. In fact, Takeuchi et al. do not suggest that there is any such thing as a continuously convex interior trim panel or that a continuously convex interior trim panel is desirable. It is respectfully submitted that the rejection is based only on speculation. The rejection assumes that those having ordinary skill in the art have a desire to fabricate fiber-reinforced interior trim panels having continuous convex curvature, and assumes that those having ordinary skill in the art would not understand that the reference is teaching the use of a porous sheet material at selected areas of a fiber-reinforced interior trim panel to force fiber reinforcing material at the selected locations toward the facing material in order to avoid lifting of the fiber reinforcing material at the selected areas when a mold having both concave and convex curvature is closed. One having ordinary skill in the art would not have any reason to expect that the

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disclosed process could be advantageously employed with a mold having continuously convex curvature.

It is respectfully submitted that an obviousness rejection cannot be properly based on speculative needs of a hypothetical person of ordinary skill in the art who is assumed to be incapable of fully comprehending the teachings of the prior art. Because the prior art does not teach or suggest a fiber-reinforced interior trim panel having continuous curvature, and because the prior art teaches use of a porous sheet material only at convex sections of a fiber-reinforced interior panel having both convex and concave sections, those having ordinary skill in the art would not be motivated by the prior art to fabricate an automotive interior trim panel having continuous convex curvature, and would not be motivated to use the methods of Takeuchi et al. for fabricating an interior trim panel having continuous convex curvature and a porous substrate that is coextensive with the upholstery layer, since the method of Takeuchi et al. are intended to force fiber reinforcement toward a facing sheet only at selected areas of the trim piece during fabrication in a mold having both convex and concave curvature.

In view of the above remarks, it is respectfully submitted that withdrawal of the rejection based on the Takeuchi et al. reference is most appropriate.

CONCLUSION

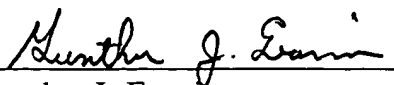
In view of the above amendments and remarks it is respectfully submitted that the application is in condition for allowance and notice of the same is earnestly solicited.

Respectfully submitted,

TONY M. POKORZYNSKI ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton

March 21, 2002
Date



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